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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,400	02/06/2004	Richard Baker	5317	5031

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SHOEMAKER AND MATTARE, LTD
10 POST OFFICE ROAD - SUITE 110
SILVER SPRING, MD 20910

EXAMINER

SUKMAN, GABRIEL S

ART UNIT PAPER NUMBER

3641

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,400

Applicant(s)

BAKER, RICHARD

Examiner

Gabriel S. Sukman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/25/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because there is no leader associated with reference number 32 in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-~~8~~ and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,316,341 to Landry.

Landry clearly discloses all of the limitations of claim 1. With respect to the claimed improvement as recited in the Jepson-type claim, Landry teaches a channel (45) in the hammer that prevents contact with the firing pin (25) as well as a transfer bar situated in the channel (safety member, 50). See abstract for operation, "[a]n elongated safety member is disposed within the recess and movable between retracted and extended positions, the extended position being such that the hammer may drive the safety member into engagement with the firing pin, and the retracted position being such that the safety member cannot engage the end of the firing pin but may lodge beneath its under side."

Claim 2 is anticipated by the cam linkage, 65, disclosed by Landry.

Claim 3 is anticipated by Landry since the rocker (cam, 65) pivots and a linkage extends between the trigger and the rocker (pins 57 and 66) which pivots the rocker when the trigger is pulled (see discussion in col. 6, lines 42-60). The rocker is connected to the transfer bar through control pin, 53, such that the transfer bar is moved to the firing position only when the trigger is pulled.

Claim 9 is anticipated by Landry as well since Landry discloses that the invention is for use with single shot rifles (col. 1, lines 16-18), which have a sliding bolt. The transfer bar disclosed would necessarily be adapted so as not to interfere with the bolt.

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Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 644,660 to Caldwell.

Claim 1 is clearly anticipated by the hammer channel (formed by bridge, 6) and transfer bar (5) of Caldwell.

Claim 2 is anticipated by the linkage made by parts 12, 13, 15, 16, and 17 of Caldwell, their description of operation can be found on page 2, lines 30-45 and 50-103.

Claim 3 is anticipated by the plate, 12, of Caldwell, which is a rocker as claimed. Plate 12 pivots about the axis at 7, is linked to the trigger via linkage 17, which pivots the rocker when the trigger is pulled (the hammer is released, thus allowing pivoting of the plate, 12), and the plate 12 further is connected to the transfer bar (see page 1, lines 97-99, which states that the plate can either be integral with the transfer bar ("movable hammer face") or can be fixed thereon and is thus "connected to") so as to allow the transfer bar to move to the firing position only when the trigger is pulled.

Claim 4 is clearly anticipated by Caldwell since the plate, 12, and the hammer, D, both pivot about the axis at 7.

Claim 5 is clearly anticipated by the link, 17, which is connected to the rocker in the groove, 13, which is a distance from the axis at 7, and is connected to the trigger at its other end.

Claim 6 is anticipated by Caldwell as well since the linkage allows the hammer to pivot clockwise when it is cocked and allows the trigger to pivot counter-clockwise when it is pulled.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose or suggest the combination that would teach the safety system as claimed in which a rocker and hammer have a lost motion connection so that the rocker is stationary during a part of the motion of the hammer and moves during another part of the motion of the hammer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,460,282 B1 to Bustos

U.S. Patent No. 5,673,506 to Pantuso et al.

U.S. Patent No. 4,807,380 to Domian

U.S. Patent No. 4,218,839 to Brouthers

U.S. Patent No. 3,988,848 to Chatigny

U.S. Patent No. 3,701,213 to Lewis

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel S. Sukman whose telephone number is (703)

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308-8508. The examiner can normally be reached on M-F, 8:30-6:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gss



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER